

347—218.113(91D) Sole-charge exception.

218.113(1) An exception from the percentage limitations on nonexempt work is provided in 218.1(5) for “an employee who is in sole charge of an independent establishment or a physically separated branch establishment. . . .” These employees are considered to be employed in a bona fide executive capacity even though they exceed the applicable percentage limitation on nonexempt work.

218.113(2) The term “independent establishment” must be given full weight. The establishment must have a fixed location and must be geographically separated from other company property. The management of operations within one among several buildings located on a single or adjoining tracts of company property does not qualify for the exemption under this heading. In the case of a branch, there must be a true and complete physical separation from the main office.

SOURCE: 29 CFR 541.113.